

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:09-CV-285-WKW
)	
TOWN OF JACKSON'S GAP,)	
)	
Defendant.)	

ORDER

On May 13, 2009, the Magistrate Judge filed a Recommendation (Doc. # 10) that this action be dismissed for Plaintiff Gene Coggins' (Mr. Coggins) failure to pay a filing fee. On May 20, 2009, Mr. Coggins filed a Reply (Doc. # 11), which the court construes as an objection.

Having conducted an independent and *de novo* review of the record as a whole and those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b)(1)(C), the court finds that Mr. Coggins' objections are without merit. The Order (Doc. # 4-2) setting a hearing on Mr. Coggins' motion for leave to proceed *in forma pauperis* (Doc. # 2), made clear that failure to appear at the hearing may result in denial of his motion to proceed *in forma pauperis*. Mr. Coggins neither appeared at the hearing nor paid the filing fee and this case is due to be DISMISSED for these failures.

For these reasons, it is ORDERED that the Mr. Coggins' objection (Doc. # 11) is OVERRULED, the Recommendation of the Magistrate Judge is ADOPTED and this case

is DISMISSED with prejudice.

An appropriate judgment will be entered.

DONE this 26th day of May, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE